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7 OFFICER JAMES COLLEY; ANTIOCH POLICE  
DEPARTMENT; and CITY OF ANTIOCH

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

12 | ANTHONY MICHAEL MABUTAS, JR.,

Case No. C14-3796 KAW

**Plaintiff,**

VS.

15 OFFICER JAMES COLLEY, in his official  
16 and individual capacities, ANTIOCH  
POLICE DEPARTMENT, and CITY OF  
ANTIOCH, CALIFORNIA.

**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE CASE  
MANAGEMENT CONFERENCE**

Judge: Hon. Kandis A. Westmore

### Defendants.

20 Plaintiff ANTHONY MICHAEL MABUTAS, JR., and Defendants OFFICER JAMES  
21 COLLEY; ANTIOCH POLICE DEPARTMENT; and CITY OF ANTIOCH, by and through their  
22 respective attorneys of record, hereby stipulate to the following:

23       1. WHEREAS Plaintiff filed a civil rights complaint in the United States District  
24 Court in the Northern District of California on August 21, 2014, arising out of Plaintiff's arrest by  
25 an officer of the Antioch Police Department on June 9, 2014;

26       2. WHEREAS Plaintiff has a pending criminal case against him arising out of an  
27 April 14, 2015, arrest with charges for, among other things, violating Penal Code section 187(a)  
28 pending against him in the Superior Court of Contra Costa County.

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3. WHEREAS Counsel for Plaintiff is informed that Plaintiff's trial date for the pending criminal action that was scheduled for January 23, 2018, has been continued to June 4, 2018.

4. WHEREAS it has been previously agreed that the outcome of the Plaintiff's pending criminal trial may directly or indirectly bear on the issues in this Fourth Amendment civil rights case.

5. WHEREAS, with the exception of third party discovery, this matter is presently stayed until the resolution of Plaintiff's criminal action.

6. WHEREAS this matter is currently set for a further Case Management Conference on March 6, 2018.

7. WHEREFORE, the parties by and through their respective counsel, respectfully seek an Order from the Court to continue the further Case Management Conference to sometime in late June or early July of 2018.

## IT IS SO STIPULATED

The parties attest that concurrence in the filing of these documents has been obtained from each of the other Signatories, which shall serve in lieu of their signatures on the document.

Dated: February 9, 2018 Law Office of Mark W. Kelsey

By: /s/ Kelsey, Mark  
Mark W. Kelsey  
Attorney for Plaintiff  
ANTHONY MICHAEL MABUTAS, JR.

Dated: February 9, 2018 **MCNAMARA, NEY, BEATTY, SLATTERY,  
BORGES & AMBACHER LLP**

By: /s/ Blechman, Noah  
Noah G. Blechman  
Amy S. Rothman  
Attorneys for Defendants  
OFFICER JAMES COLLEY; ANTIOCH POLICE  
DEPARTMENT; and CITY OF ANTIOCH

## **ORDER**

Pursuant to the parties' stipulation and on a showing of good cause, the Court orders that the further Case Management Conference currently set for March 6, 2018, is hereby rescheduled to July 10, 2018, at 1:30 p.m. in the undersigned's Department. The parties shall file an Updated Joint Case Management Conference Statement no later than seven (7) days prior to the new Case Management Conference date. Should the pending criminal case of Plaintiff be finally resolved before that time frame, the parties shall jointly provide notice to the Court as soon as feasible.

## **IT IS SO ORDERED.**

Dated: 2/13, 2018

By: Kandis Westmore  
HON. KANDIS A. WESTMORE  
UNITED STATES MAGISTRATE JUDGE